

CHAPTER NO. 1037

HOUSE BILL NO. 3028

By Representative Buck

Substituted for: Senate Bill No. 2581

By Senators Herron, Burks

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13 and 40 and Chapter 38, relative to reimbursement for certain expenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-106(a)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) Expenses actually and reasonably incurred as the result of the claimant traveling to and from the trial of the defendant or defendants alleged to have committed an offense as defined in Section 29-13-104 regardless of whether the claimant is called as a witness and expenses actually and reasonably incurred as the result of the claimant traveling to and from appellate, post conviction or habeas corpus proceedings resulting from the trial of a defendant or defendants alleged to have committed a compensable offense as defined in Section 29-13-104. Any award made under the preceding sentence to a claimant shall not exceed a cumulative total of one thousand two hundred fifty dollars (\$1,250) for all such travel. For the purposes of subdivision (a)(3) "claimant" means the victim, the guardian of a victim if the victim is a minor, the legal representative of the estate of a deceased victim, or relative of the victim as defined in Section 29-13-102(10). As used in the preceding sentence, the term "legal representative of the estate of a deceased victim" shall not be construed or implemented to include any attorney who, for a fee, serves as legal representative of the estate of such victim. In no case shall compensation be awarded under this subdivision to more than four (4) claimants as a result of the "same criminal act" as defined in subsection (e) of this section. Further, no award shall be made to a claimant under this subdivision if the claimant is otherwise eligible for the payment of travel expenses by the state or any county of this state as a result of the claimant attending the trial as a witness.

SECTION 2. Tennessee Code Annotated, Section 40-38-103(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) Be compensated for expenses actually and reasonably incurred as the result of traveling to and from the trial of the defendant(s) and traveling to and from appellate, post-conviction or habeas corpus proceedings resulting from the trial of the defendant(s) alleged to have committed a compensable offense subject to the provisions of Title 29, Chapter 13, Part 1, and the availability of funds in the criminal injuries compensation fund.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1998, the public welfare requiring it and shall apply to all compensable offenses committed on or after that date.

PASSED: May 1, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SUNDQUIST, GOVERNOR